

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

5

U.S.C.A. #

U.S.D.C. #

JUDGE:

DATE:

Rodriguez

-v-

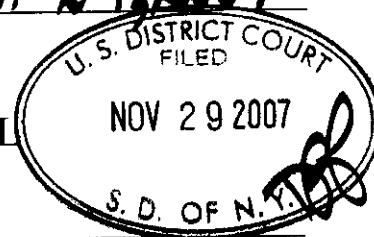
USA

07-cv-8567

KMW

NOV. 29, 2007

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME): THOMAS R. PISARCZYK
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DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION	DOC. #
CLERK'S CERTIFICATE	
SEE ATTACHED LIST OF NUMBERED DOCUMENTS	
** ONLY CIRCLED DOCUMENTS ARE INCLUDED **	
** ALL OTHERS MISSING AT THIS TIME **	
<i>Balance of file in USCA on Transfer Order</i>	
<input checked="" type="checkbox"/> Original Record	<input type="checkbox"/> Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 29th Day of NOVEMBER, 2007.

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Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 4 Through 4, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

BALANCE OF FILE MISSING AT THIS TIME

*Balance of file already in USA
on a Transfer Order*

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this ~~29th~~ *29th* Day of ~~November~~ *November* In this year of our Lord, Two Thousand and Seven, and the Independence of the United States this 232ND year.

J. Michael McMahon, Clerk

By

[Signature]
Deputy Clerk

2255, APPEAL, CLOSED, PRO-SE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-08567-KMW
Internal Use Only

Rodriguez v. USA
Assigned to: Judge Kimba M. Wood
Related Case: 1:93-cr-00549-JFK-3
Cause: 28:2255 Motion to Vacate / Correct Illegal Sentenc

Date Filed: 10/03/2007
Date Terminated: 10/03/2007
Jury Demand: None
Nature of Suit: 510 Prisoner: Vacate Sentence
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
10/03/2007	1	MOTION to Vacate, Set Aside or Correct Sentence (28 U.S.C. 2255). NO FURTHER ENTRIES. PLEASE SEE CRIMINAL CASE: 93cr549 (JFK). Document filed by Jaime Rodriguez. (jeh) (Entered: 10/15/2007)
10/03/2007		Magistrate Judge Frank Maas is so designated. (jeh) (Entered: 10/15/2007)
10/03/2007	2	MEMORANDUM OF LAW in Support of Petition Pursuant to 28 U.S.C. 1651. Document filed by Jaime Rodriguez. (jeh) (Entered: 10/15/2007)
10/03/2007	3	TRANSFER ORDER (U.S.C.A.). Petitioner must move in the United States Court of Appeals for the Second Circuit for permission to pursue this application. This Court again notes that any motion to the Circuit must show that the new claim being raised by the instant petition relies on newly discovered evidence, that if proven and viewed in the light of evidence of a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the movant guilty of the offense, or on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable. Accordingly, the matter is transferred to the U.S.C.A. for the Second Circuit in the interest of justice. If the Court authorizes petitioner to proceed in this matter petitioner shall move to reopen under the docket number. The Clerk of Court is directed to accept no further submissions from petitioner in this case except for papers directed to the United State Court of Appeals for the Second Circuit. As petitioner has not made a substantial showing of denial of a constitutional right, a certificate of appealability will not issue. I certify pursuant to 28 U.S.C. 1915 (a) that any appeal from this Order would not be taken in good faith. Sent original file along with documents numbered 1-3, certified copy of docket entries and transfer order. Mailed via Inter-Office Mail on 10/16/2007. (Signed by Judge Kimba M. Wood on 10/03/2007) (jeh) (Entered: 10/15/2007)
11/16/2007	4	NOTICE OF APPEAL from 3 Transfer Order U.S.C.A. Document filed by Jaime Rodriguez. Copies sent to attorney(s) of record: A.U.S.A. (tp) (Entered: 11/28/2007)
11/16/2007		Appeal Remark as to 4 Notice of Appeal filed by Jaime Rodriguez. \$455.00 APPEAL FEE DUE. IFP REVOKED 10/3/07. COA DENIED 10/3/07. (tp) (Entered: 11/28/2007)
11/16/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 4 Notice of Appeal. (tp) (Entered: 11/28/2007)
11/28/2007		Transmission of Notice of Appeal to the District Judge re: 4 Notice of Appeal. (tp) (Entered: 11/28/2007)